

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 436

Citations Affected: IC 5-14; IC 16-37; IC 16-39; IC 36-2.

Synopsis: Autopsies. Provides that photographs, and audio and video recordings of an autopsy may not be disclosed by a public agency. Provides that the cost of an autopsy requested by a party other than the local health official, county prosecutor, or county coroner must be made by the requesting party. Provides that the cost of an autopsy of a person who dies in a county where the person does not reside and that has at least one air ambulance shall be paid by the county where the incident occurred that caused the death of the person. Provides that a photograph, audio and video recordings of an autopsy in the custody of a physician, coroner, or coroner's designee are confidential. Makes exceptions to the confidentiality requirements for a surviving spouse, surviving parents, adult children, and certain units of local, state, and federal government. Empowers a court to issue an order authorizing a person to view, copy, or listen to confidential autopsy information. Requires a surviving spouse to be given notice, an opportunity to be heard, and a copy of a petition seeking a court order for confidential autopsy information. Creates a Class D felony if a physician, coroner, or coroner's designee violates the autopsy information requirements. Creates a Class D felony if a person violates a court order relating to confidential autopsy information. (This conference committee report provides that a physician, coroner, or coroner's designee who has custody of a photograph, a video recording, or an audio recording of an autopsy may allow the use of the photograph, video recording, or audio recording for educational or training purposes if all information that identifies the individual on whom the autopsy is performed is removed.)

Effective: July 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 436 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 6, line 18, delete "provider (as defined in" and insert
- 2 **"physician."**
- 3 Page 6, delete line 19.
- 4 Page 6, line 22, delete "provider" and insert **"physician"**.
- 5 Page 6, between lines 37 and 38, begin a new paragraph and insert:
- 6 **"(c) The physician having custody of a photograph, a video**
- 7 **recording, or an audio recording of an autopsy may allow the use**
- 8 **of the photograph, video recording, or audio recording of the**
- 9 **autopsy for training or educational purposes if all information that**
- 10 **identifies the individual on whom the autopsy was performed is**
- 11 **removed from the photograph, video recording, or audio**
- 12 **recording."**
- 13 Page 6, line 38, delete "(c)" and insert **"(d)"**.
- 14 Page 6, line 38, delete "provider" and insert **"physician"**.
- 15 Page 7, line 20, delete "provider" and insert **"physician"**.
- 16 Page 8, line 9, delete "(c) and (d)," and insert **"(c), (d), and (e),"**.
- 17 Page 8, between lines 27 and 28, begin a new paragraph and insert:
- 18 **"(e) The coroner or the coroner's designee having custody of a**
- 19 **photograph, a video recording, or an audio recording of an autopsy**
- 20 **may allow the use of the photograph, video recording, or audio**

1 **recording of the autopsy for training or educational purposes if all**
2 **information that identifies the individual on whom the autopsy was**
3 **performed is removed from the photograph, video recording, or**
4 **audio recording."**

- 5 Page 8, line 28, delete "(e)" and insert "**(f)**".
6 Page 8, line 34, delete "(f)" and insert "**(g)**".
7 Page 8, line 40, delete "(g)" and insert "**(h)**".
8 Page 8, line 40, delete "(f)," and insert "**(g),**".
9 Page 9, line 9, delete "(h)" and insert "**(i)**".
10 Page 9, line 13, delete "(i)" and insert "**(j)**".
11 Page 9, line 22, delete "(j)" and insert "**(k)**".
12 Page 9, line 22, delete "(i)" and insert "**(j)**".
13 Page 9, line 26, delete "(k)" and insert "**(l)**".
14 Page 9, line 31, delete "(l)" and insert "**(m)**".
(Reference is to ESB 436 as reprinted April 6, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 436

Signed by:

Senator Wyss
Chairperson

Representative Crawford

Senator Breaux

Representative Goeglein

Senate Conferees

House Conferees